



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Promoting the wise use of land
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Tentative Notice of Action

MEETING DATE August 5, 2016	CONTACT/PHONE Cody Scheel, Project Planner (805) 781-5157 cscheel@co.slo.ca.us	APPLICANT Matthew Lucas & Valentina Sarno	FILE NO. DRC2015-00134
LOCAL EFFECTIVE DATE August 19, 2016			
APPROX FINAL EFFECTIVE DATE September 9, 2016			
SUBJECT A request by MATTHEW LUCAS & VALENTINA SARNO for a Minor Use Permit / Coastal Development Permit (DRC2015-00134) to allow an existing single family residence to be used as a residential vacation rental. The proposed project is within the Recreation land use category and is located at 2915 Avila Beach Drive (Colony lot), approximately 480 feet east of 1 st Street, in the community of Avila Beach. The site is in the San Luis Bay Coastal planning area.			
RECOMMENDED ACTION Approve Minor Use Permit / Coastal Development Permit DRC2015-00134 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class 1 Categorical Exemption was issued on August 5, 2016 (ED15-314).			
LAND USE CATEGORY: Recreation	COMBINING DESIGNATION Local Coastal Program Area, Coastal Appealable Zone, Coastal Special Community, Visitor Serving Area	ASSESSOR PARCEL NUMBER 076-196-012	SUPERVISOR DISTRICT 3
PLANNING AREA STANDARDS: Avila Beach Specific Plan <i>Does the project meet applicable Planning Area Standards: Yes</i>			
LAND USE ORDINANCE STANDARDS: Section 23.01.043 – Appeals to the Coastal Commission (Coastal Appealable Zone) Section 23.07.120 – Local Coastal Program Area Section 23.08.165 – Residential Vacation Rentals <i>Does the project conform to the Land Use Ordinance Standards: Yes – see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</small>			

EXISTING USES: Single family residence	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Recreation / Avila Beach Golf Course <i>East:</i> Recreation / Undeveloped <i>South:</i> Recreation / Public Parking Lot <i>West:</i> Recreation / Undeveloped	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, California Coastal Commission & Avila Valley Advisory Council	
TOPOGRAPHY: Nearly level to moderately sloping	VEGETATION: Ornamental landscaping
PROPOSED SERVICES: Water supply: Avila Beach Community Services District Sewage Disposal: Avila Beach Community Services District Fire Protection: Cal Fire	ACCEPTANCE DATE: June 8, 2016

DISCUSSION

PROPOSED HISTORY

The existing residence was approved through the Minor Use Permit process (MUP) in August 2013 (DRC2012-00069). The applicant intended to also request approval of a residential vacation rental with that previous MUP. However, that request was not included in the project description in the final approval. The applicant has now applied for this MUP to allow the residential vacation rental use. The existing residence is currently operating as a vacation rental through the Zoning Clearance process. The proposed MUP would essentially run the residential vacation rental use with the land/residence in perpetuity.

LAND USE ORDINANCE STANDARDS

Section 23.01.043(c)(4) – Appeals to the Coastal Commission (Coastal Appealable Zone)

The proposed residential vacation rental is considered a Special (S) Use as listed in Coastal Table O, Part I of the Land Use Element, and is therefore appealable to the Coastal Commission.

Section 23.07.120 – Local Coastal Program Area

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Program.

Section 23.08.165 – Residential Vacation Rentals

A residential vacation rental is the use of an existing residence or a new residential structure as a rental for transient use. This does not include the rental of the entire residence for periods of thirty days or longer. Zoning Clearance, Business License and Transient Occupancy Tax Registration is required for each residential vacation rental. In all Residential and Recreation

land use categories (within Avila Beach), no parcel shall be approved for a residential vacation rental if it is within 50 feet of another parcel with a residential vacation rental and/or other visitor-serving accommodation. This location standard may be modified through a Minor Use Permit approval when a Development Plan is not otherwise required.

Staff Response: The proposed project includes a request to continue and vest the use of the existing residence as a Residential Vacation Rental. The lot is not within 50 feet of an existing vacation rental or visitor-serving accommodation and a waiver to modify the location standard is not needed at this time. However, with MUP approval, the owner can allow the business license to expire but the vacation rental MUP would allow the issuance of new business license even if a new vacation rental is located within 50 feet of the subject site. As conditioned, in order to vest the property for the use of a vacation rental, the applicant will be required to apply for a business license and provide proof of Transient Occupancy Tax payment to the County Tax Collector within 24 months of approval.

Residential Vacation Rental Operational Standards:

Local contact person. The residential vacation rental shall designate a local property manager. The local property manager shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. A notice shall be submitted to the Department of Planning and Building, the local Sheriff Substation, the main county Sheriff's Office; the local fire agency and supplied to the property owners within a 200 foot radius of the proposed residential vacation rental site. This notice shall state the property owner's intention to establish a residential vacation rental and shall include the name, address and phone number of the local contact person and the standards for noise, parking and maximum number of occupants.

Number of occupants allowed. The maximum number of occupants allowed in the residential vacation rental shall not exceed the number of occupants that can be accommodated consistent with the onsite parking requirement, and shall not exceed two persons per bedroom plus two additional persons, or eight persons total.

On-site parking required. All parking associated with the residential vacation rental shall be entirely onsite, in the garage, driveway or otherwise out of the roadway. Tenants of the residential vacation rental shall not use on-street parking at any time.

Noise. The residential vacation rental shall comply with the standards of Section 23.06.040 et seq. (Noise Standards). No residential vacation rental is to involve on-site use of equipment requiring more than standard household electrical current at 110 or 220 volts or that produces noise, dust, odor or vibration detrimental to occupants of adjoining dwellings. The property owners and/or property managers shall ensure that the occupants of the residential vacation rental do not create loud or unreasonable noise that disturbs others and is not in keeping with the character of the surrounding neighborhood. Loud and unreasonable noise shall be evaluated through field observations by a County Sheriff, County Code Enforcement or other official personnel, based upon a threshold of noise disturbance related to the residential vacation rental use that is audible from a distance of 50 feet from the property lines of the rental property.

Vacation rental tenancy. Rental of the single family residence shall not exceed four individual tenancies per calendar month. The first day of each tenancy determines the month assigned to that tenancy. No additional occupancy of the residence (with the exception of the property owner and private non-paying guests) shall occur. A residential vacation rental shall only be

used for the purposes of occupancy as a vacation rental or as a full time occupied residence. No other use (i.e.: home occupation, temporary event, homestay) shall be allowed on the site.

Traffic. Vehicles used and traffic generated by the residential vacation rental shall not exceed the type of vehicles or traffic volume normally generated by a home occupied by a full time resident in a residential neighborhood. Normal residential traffic volume means up to 10 trips per day.

Appearance, visibility and location. The residential vacation rental is not to change the residential character of the outside appearance of the building, either by the use of colors, materials, lighting, or by the construction of accessory structures or garages visible from off-site and not of the same architectural character as the residence; or by the emission of noise, glare, flashing lights, vibrations or odors not commonly experienced in residential areas.

Signs. Availability of the rental unit to the public shall not be advertised on site, and the rental unit shall not advertise on-street parking. Any and all advertising for this vacation rental shall be consistent with the conditions of approval (see Exhibit B – Conditions of Approval).

Transient Occupancy Tax. The residential vacation rental shall meet the regulations and standards set forth in Chapter 3.08 of the County Code, including any required payment of transient occupancy tax for the residential vacation rental. The Transient Occupancy Tax Certificate number shall be included in all advertising for the residential vacation rental.

Staff Response: The existing residence consists of three bedrooms and a three car garage to support a maximum guest load of 8 persons (see Number of Occupants Allowed above). The proposed residential vacation rental is not to operate differently (in terms of expected noise, traffic, parking, etc.) than a full time occupied single family residence; therefore conditions for operational standards have been added to this permit. Penalties for violation of these standards may include revocation of the Minor Use Permit, Zoning Clearance and/or Business License. Because these standards set parking requirements, limit the number of occupants and designate a 24-hour property manager contact, potential impacts to surrounding property owners can be avoided, therefore staff can support this Minor Use Permit.

COASTAL PLAN POLICIES:

Following is a brief list of the Coastal Plan Policies (discussion of specific applicable policies following):

Shoreline Access: N/A

Recreation and Visitor Serving: ☒ Policy No(s): 1 & 2

Energy and Industrial Development: N/A

Commercial Fishing, Recreational Boating and Port Facilities: N/A

Environmentally Sensitive Habitats: N/A

Agriculture: N/A

Public Works: ☒ Policy No(s): 1

Coastal Watersheds: N/A

Visual and Scenic Resources: N/A

Hazards: N/A

Archeology: N/A

Air Quality: N/A

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COASTAL PLAN POLICY DISCUSSION:

Recreation and Visitor Serving Facilities

The Coastal Plan policies for Recreation and Visitor serving uses are focused primarily on commercial recreational uses and commercial lodging facilities such as hotels, motels, bed and breakfast establishments and recreational vehicle parks. These are all classified as transient lodging in Coastal Zone Framework for Planning, Table "O". Residential Vacation Rentals are single family residences by design (or occasionally multi-family residences) and are listed in the Residential use group in Table "O". Although they do serve visitors they are sometimes rented by the month or not rented at all depending on the desire of the property owner. While Coastal Plan Policies generally encourage visitor serving facilities in certain circumstances, residential vacation rentals are not discussed.

Policy 1 – Recreation Opportunities

Coastal recreational and visitor-serving facilities, especially lower-cost facilities, shall be protected, encouraged and where feasible provided by both public and private means.

Staff Response: The proposed project site is located within an area designated as Visitor Serving (i.e. "V" designation), and Residential Vacation Rentals are a visitor serving use which is encouraged in Avila Beach under the Recreation land use category. The proposed project supports this policy by creating lodging opportunities within an existing approved residence. The residence is in close proximity to many recreational opportunities in the Central Business District of Avila Beach, which encourage bicycle and pedestrian use. The residence is within walking distance to the beach, Avila Pier, and other facilities for recreational uses. This project is consistent with this policy.

Policy 2 – Priority for Visitor Serving Facilities

Recreational development and commercial visitor-serving facilities shall have priority over non-coastal dependent use, but not over agriculture or coastal dependent industry in accordance with PRC 30222. All uses shall be consistent with protection of significant coastal resources. The Land Use Plan shall incorporate provisions for areas appropriate for visitor-serving facilities that are adequate for foreseeable demand. Visitor-serving commercial developments that involve construction of major facilities should generally be located within urban areas. Provisions for new facilities or expansion of existing facilities within rural areas shall be confined to selected points of attraction.

Staff Response: This project complies with this policy as it creates visitor lodging opportunities within the urban area of Avila Beach and recognizes statewide priority to protect and enhance public opportunities for coastal recreation.

Public Works

Policy 1 – Availability of Service Capacity

New development shall demonstrate that adequate public or private service capacities are available to serve the proposed development.

Staff Response: The project is consistent with this policy because the existing residence currently has water and sewer service from Avila Beach Community Services District. The

project does not propose any new development, and no new water or sewer services are proposed with the project.

COMMUNITY ADVISORY GROUP COMMENTS:

AVAC comments were not received at the time of publication of this staff report. Any comments from AVAC or its land use subcommittee will be available at the hearing.

AGENCY REVIEW:

Public Works – No concerns, per referral response dated June 13, 2016.

California Coastal Commission – No comments received.

LEGAL LOT STATUS:

The one existing parcel was legally created by the recordation of a map for Lot Line Adjustment COAL 96-112, Parcel #7 (Book 54, Page 73 of Parcel Maps) at a time when that was a legal method of creating parcels.

Staff report prepared by Cody Scheel and reviewed by James Caruso.